

## OREGON

COMPARISON OF PERFORMANCE TRACK'S ACHIEVEMENT LEVEL AND OREGON'S GREEN PERMITS									
Category		Oregon Custom Waiver Permit		Oregon GEMS Participant Tier		Oregon GEMS Achiever Tier		Oregon GEMS Leader Tier	
EMS		NA	Not required.	●	Requires basic EMS addressing all pollutants and activities covered by applicable laws.	●	Requires ISO 14001-certified or comparable EMS, addressing both regulated and unregulated pollutants and activities.	●	Requires ISO 14001-certified or comparable EMS, addressing both regulated and unregulated pollutants and activities. EMS must incorporate sustainable development principles.
EMS Components	Policy	NA	Not required.	Ž	Facility EMSs must demonstrate commitment to: 1) pollution prevention , 2) maintain and exceed regulatory compliance, 3) continual improvement, and 4) superior environmental performance. Commitment to information sharing is covered through community outreach and reporting requirements.				
	Planning	NA	Not required.	M	EMSs of all GEMS facilities must include identification of significant env. aspects and compliance requirements, setting of measurable objectives to meet legal and performance commitments, and active programs for achieving the objectives.				
		NA	Not required.	●	Participant EMSs must feature essentially the same elements as the EMSs for Achievers and Leaders, with the exception that there is no requirement for an emergency preparedness program.	M	EMSs of Achievers and Leaders must feature: 1) assignment of roles and responsibilities (including that for a management representative) for meeting objectives; 2) procedures for achieving compliance and performance objectives; 3) an environmental training and emergency preparedness program; and 4) documentation procedures.		
	Checking/ Corrective Action	NA	Not required.	M	All GEMS facilities must have a program for assessing performance and prevention, with plans for detecting and correcting non-conformance with legal and other EMS requirements.				
	Management Review	NA	Not required.	M	All GEMS facilities must have a process for periodic EMS review by top management.				

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EMS Audit/Self-Assessment	NA	Not applicable.	M	Program conducts on-site EMS verification visits with all facilities.	M	Achievers and Leaders must have a program and procedures for periodic EMS auditing (self or third-party). The DEQ also conducts on-site EMS verification visits with all facilities.
One EMS Cycle Required	NA	Not applicable.	●	Must be fully implemented.	●	Must be fully implemented and "robust," but there is no explicit requirement for a full cycle to be complete at the time of application.
Scalable to Company Size	NA	Not applicable.	M	No explicit criteria exist for scaling down EMS requirements, but program will take facility size into account when reviewing applications.		
<b>Facility Performance (Continuous Improvement)</b>	●	Custom waiver facilities must commit to achieving superior env. performance (significantly better than required by law) via improvement goals in the area for which the custom waiver is to be granted. Past achievements are not required.	●	Participants must commit to continuous improvement in env. performance (significantly better than required by law) via goals targeting significant impacts of regulated pollutants. Past achievements are not required.	●	Achievers must document env. improvements from the past 3 yrs. and commit to continuous improvement in env. performance (significantly better than required by law) via goals targeting both regulated and unregulated pollutants.
					●	Leaders must document env. improvements from the past 3 yrs. and commit to continuous improvement in env. performance (significantly better than required by law) via goals targeting both regulated and unregulated pollutants. In addition, Leaders must demonstrate industry leadership in applying sustainable development principles to the environmental aspects of its activities, products, and services.
Past Performance	NA	Not required.	NA	Not required.	●	Must document environmental improvements performed over the past three years or minimize impacts in the design of the facility. However, there is no required number of aspects or categories.

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Future Performance	●	Facilities must commit to improvement goals related to area for which the custom waiver permit is to be granted, but there is no required number of categories or aspects.	●	Participants must commit to improvement goals, but there is no required number of categories or aspects beyond the requirement to target impacts related to regulated pollutants.	●	Achievers must meet the same requirements as Participants, and also target impacts related to unregulated pollutants.	●	Leaders must meet the same requirements as Achievers. In addition, Leaders must demonstrate industry leadership in applying sustainable development principles to the environmental life cycle aspects of their activities, products, and services.
Public Outreach and Reporting	●	Facilities must demonstrate commitment to public outreach and report periodically on quantitative measures of environmental performance.						
Community References	●	Community references are not required. However, facilities must begin to implement stakeholder involvement activities before a Green Permit can be issued.	●	Community references are not required, but DEQ does issue an early public notice inviting participation by community members.	●	Community references are not required, but DEQ does issue an early public notice inviting participation by community members. In addition, facilities must begin to implement stakeholder involvement activities before a Green Permit can be issued.		
Community Outreach and Reporting Plan	M	Community outreach and reporting requirements exceed Performance Track requirements. All Green Permit facilities must provide description of a stakeholder outreach plan that includes procedures to identify and respond to local concerns, inform stakeholders about aspects of the facility's operation that affect them, report on environmental performance, and provide stakeholders the opportunity to comment. The scope of the minimum required outreach procedures and reporting requirements increases from the custom waiver to the GEMS Leader level.						

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Annual Report	<p>● Facilities must prepare and make publically available an annual report, including progress on environmental performance and stakeholder involvement. Reporting on compliance audits and EMS updates is not required, since these components are not mandatory.</p>	<p>● All GEMS facilities must prepare and make publically available an annual report. The report must include performance achievement data, as well as any EMS deficiencies or compliance issues that were found and how they were addressed. Reporting on progress made towards environmental goals is encouraged but not required. The report must describe stakeholder involvement, including stakeholder input and how concerns were addressed. Reporting on compliance audits is not required, since compliance audits are not explicitly required.</p>		
Verification	<p>● Program conducts compliance screening of applicants, as well as site visits. There is no requirement for compliance audits or self-certification beyond regulatory status information provided in the application.</p>	<p>● Program conducts compliance screening of and site visits with all applicants. Site visits are focused on meeting the requirements of the Green Permits program, and verifying regulatory compliance is not a primary goal. There are no explicit requirements for compliance self-certification beyond the regulatory status information (including compliance issues encountered) provided in the application and the compliance information to be provided in the Annual Reports.</p>		
Compliance Record Screening (Sustained Compliance)	<p>● Facilities must not have had a criminal violation within the past year.</p>	<p>M</p>	<p>Facilities must meet the following criteria: no serious violations (per Enforcement Procedures and Civil Penalty Rules, OAR Division 12) for the last 3 yrs.; no felony criminal convictions under any env. statute; no misdemeanor criminal convictions under any env. statute w/in the last 5 yrs.; no criminal actions pending or under investigation; no unresolved civil judicial actions; compliance w/ all Administrative Penalty Orders and payment of any assessed penalties; no debarment or suspension from EPA programs; and no repeat violations as defined by EPA's Policy for Self-Policing and Self-Disclosure or similar state policy. The state compliance screen is fully consistent with the Federal level compliance screen, although its focus is on the facility level rather than the company level.</p>	

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Self-Certification of Compliance	●	There is no requirement for self-certification of compliance. However, application and annual report requirements include disclosure of any compliance issues.	●	There is no requirement for self-certification of compliance. However, application and annual report requirements include disclosure of any compliance issues. In addition, Oregon's verification program includes extensive contact with the facility and inspectors responsible for the facility. Verification procedures also include site visits. Therefore, while Performance Track requirements exceed Oregon's requirements for verification procedure (i.e. self certification), in practice facilities in the Oregon program should be continually in full compliance and able to self-certify as such.				
Annual Compliance Self-Audits	NA	Not required.	●	Although there is no explicit requirement for a compliance audit, facilities provide information on compliance issues and how they were addressed within the annual report. This implies that there will be on-going compliance evaluations.				
Random Site Visits	●	DEQ visits all facilities to verify conformance with Green Permit Program requirements.						
Duration of Participation	●	Duration of custom waiver permit is five years; facilities may reapply an unlimited number of times.	●	Duration of participant permit is three years; facilities may reapply once.	●	Duration of achiever permit is up to 10 years; facilities may reapply an unlimited number of times. Facilities also must review their EMSs every 3 years, and report on meeting goals within the annual report.	●	Duration of leader permit is up to 10 years; facilities may reapply an unlimited number of times. Facilities also must review their EMSs every 3 years, and report on meeting goals within the annual report.
Key: M State program requirements are consistent with or exceed Performance Track's Environmental Achievement requirements. ● State program requirements are not fully consistent with Performance Track's Environmental Achievement requirements. NA State program does not address the Performance Track's Environmental Achievement requirements. ? The extent to which the state program requirements are consistent with Performance Track's Environmental Achievement requirements is unclear.								